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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 12 August 1993, at 3 p.m.

Chairman: Mr. AL-KHASAWNEH

Later: Mr. YIMER

CONTENTS

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII) (continued)

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The meeting was called to order at 3.15 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1993/12; E/CN.4/Sub.2/1993/13; E/CN.4/Sub.2/1993/14; E/CN.4/Sub.2/1993/37; E/CN.4/Sub.2/1993/NGO/3; E/CN.4/Sub.2/1993/NGO/5)

FREEDOM OF MOVEMENT (agenda item 18)

1. Mr. JOINET said he thought that Mr. Khalifa's question about the future of the procedure established under Economic and Social Council resolution 1503 (XLVIII) was a sensible one. At one point or another the Sub-Commission should be able to assess the situation, therefore he had submitted a draft decision, which he hoped the Sub-Commission would adopt by consensus.

2. Mr. LEBAKINE (Secretary of the Sub-Commission) read out the following draft decision submitted by Mr. Joinet: "At its 15th meeting, the Sub-Commission decided to consider the question of the reform of the 1503 procedure, including the possibility of abolishing it, at its forty-sixth session, under its agenda item 3."

3. Mr. TIAN Jin pointed out that the question had been raised only at the preceding meeting and that relatively few members were present. He therefore requested that the adoption of the draft decision should be postponed until a later meeting.

4. The CHAIRMAN said that the necessary quorum was present and that the draft decision could therefore be adopted right away. If there was no objection, he would take it that the Sub-Commission adopted the draft decision.

5. The draft decision was adopted without a vote.

6. Mr. KHALIFA said that he welcomed the adoption of the decision. He had gathered that Mr. Guissé had expressed reservations about it and asked him to explain his position.

7. Mr. GUISSÉ said that he did not wish the discussion on the 1503 procedure to take place in public.

8. Mr. KHALIFA pointed out that the 1503 procedure had been discussed and adopted in public and confidentiality affected only the consideration of situations. It would therefore be logical for a discussion on the revision of that procedure to take place in public.

9. Mrs. KSENTINI said that it was a good idea to consider the possibility of reforming or abolishing the 1503 procedure. During the past 10 years, a number

of parallel procedures had been developed which were comparable to the 1503 procedure, but offered the advantage of not being confidential. The idea of considering that question was all the more sensible in that the resolution itself which established the 1503 procedure made express provision for the possibility of reviewing it, if necessary. In connection with that decision, the members of the Sub-Commission might request the Secretariat to prepare a working paper to serve as the background for the discussion of that question. She would also like other confidential procedures to be considered at the same time, such as those applied for example, by the Commission on the Status of Women. Lastly, even if the Sub-Commission did not take a decision on the question at the next session, its members might start giving it some thought at the present session.

10. Mrs. WARZAZI said she agreed with Mrs. Ksentini that it would be useful for the Secretariat to prepare a working paper on the question. It would also be useful for the members of the Sub-Commission to have a legal opinion on paragraph 10 of the 1503 procedure. She pointed out that the decision adopted on Mr. Joinet's proposal did not specify that the discussions should take place in private.

11. The CHAIRMAN said that, if there was no objection, he would take it that the Sub-Commission decided to request the Secretariat to prepare a working paper and the competent service to prepare a legal opinion on the question.

12. It was so decided.

13. Mr. RAMADHANE said that the protection of human rights and fundamental freedoms was a matter of widespread and growing concern. However, violations of human rights were constantly increasing all over the world, whether as a result of the violation by States of the rights of their own citizens or of the violation of the rights of States by other States or of terrorist movements which violated the rights of their fellow citizens. NGOs, which were often based in the rich countries, paid very close attention to violations of human rights committed in the developing countries. It was, however, very important to take account of the distinctive features of those countries if the objectivity essential for the consideration of the question of human rights was to be guaranteed. Contrary to what might be thought, moreover, the rich countries were not free from human rights violations, as the situation of migrant workers or the erosion of certain social benefits in France, the United Kingdom and the United States, for example, clearly showed.

14. There could be no democracy without economic, social and cultural development worthy of the name. The rich countries therefore had to help the developing countries instead of undermining their efforts by buying their natural resources at very low prices or supporting decisions with far-reaching consequences imposed by international financial institutions. If the Great Powers really attached so much importance to human rights in the developing countries, but gave those countries no assistance, it could be deduced that they were using human rights only as a pretext to interfere in the internal affairs of those countries. If the rich countries granted such importance to the protection of human rights, why then, did they ill-treat immigrants who had been working in

their territory for so long? Why did they wage war and impose a blockade on Iraqi women and children? Was that really the way to protect human rights and was it not rather a means of ensuring their political hegemony?

15. In the developing countries, many intellectuals were boldly defending human rights, but they also set great store by the national integrity and sovereignty of their countries. The NGOs had a very important role to play in the defence and promotion of human rights, but they should be more careful in their investigations and be more vigilant to ensure that they were not manipulated. Lastly, it was worth recalling that human rights were violated not only by tyrannical regimes, but also by terrorist movements. The latter used religion or even the protection of human rights as a pretext to justify their actions. The eyes of the leaders of the countries which gave shelter to those religious terrorist movements should be opened and they should be shown that the latter were, in fact, committing massive and systematic violations of human rights.

16. Mr. EIDE said that the greatest problem in the area of human rights stemmed from the increasingly severe cleavages within national societies on ethnic, religious and sometimes social grounds. There was currently a process of incitement to hatred and intolerance which was a matter of concern to all. Enemy images and the demonization of those who were different, who spoke a different language or who had a different attitude to religion were becoming increasingly widespread, whereas history was replete with examples that should make people stop and think. The Nazi ideology cultivated the enemy image of anyone who belonged to a race regarded as "inferior", the communist ideology had its own enemy image, the so-called enemy of the working class and some religious leaders had described persons who did not share their own concept of religion as "enemies of God" - and still did. At present, that was the case in Iran, where God was invoked to justify violations of human rights. In fact, if anyone could be considered the enemy of God, it was those who used God's name to justify the rape, humiliation and stoning of women and other massive violations of human rights.

17. There had recently been some relatively positive developments throughout the world. In El Salvador, for example, peace had followed an extremely violent conflict and the role the United Nations had played was one of the best examples of how it could help establish a climate conducive to respect for human rights. There were also hopeful signs in Guatemala, which appeared to be moving onto the track of respect for human rights after the failed coup. He particularly welcomed the plans under way to ensure the development of the Maya culture and the protection of the Mayas and other indigenous peoples of Guatemala. In that connection, he expressed his admiration for the work done by the Nobel Peace Prize winner, Mrs. Rigoberta Menchu, who had made the world aware of the extremely serious violations directed against the indigenous people in that country.

18. Elsewhere in Latin America, in democratic countries such as Colombia or in countries which were, in principle, democratic, such as Peru, serious problems still existed. In both countries, there were violent opposition groups and also

violent drug cartels. In the case of Peru, in particular, the violence of the Shining Path movement must be condemned. It was a brutal and inhuman movement which needed to be brought under control in order to protect human rights. However, violence by the security forces and the high degree of impunity they enjoyed must not be forgotten. He was also worried about certain developments in the administration of justice in Peru and about the introduction of capital punishment.

19. It was very regrettable that Indonesia had placed itself in an impossible situation with regard to East Timor. Indonesia's action there was comparable to what had occurred in Afghanistan over a decade ago. At the invitation of some political factions, Indonesia had intervened with military force in East Timor, which had never been a part of Indonesia. In the absence of a referendum, by which the people of East Timor could have exercised its right to self-determination, the annexation of East Timor, which had taken place long after the adoption of the United Nations Charter and, therefore, in complete violation of contemporary international law, was considered illegal by a large part of the population. It would be better for all parties to recognize that an error had been made and for a United Nations-controlled process to be initiated to determine what the population wanted, so that a solution could be found which would safeguard the human rights of all established residents of East Timor.

20. With regard to what he called "ethno-nationalism", which was a misinterpretation of the concept of self-determination as a basis for partitioning a country and engaging in ethnic or religious cleansing, he considered that, even if there were some underlying reasons for the friction between different groups, such a doctrine could only lead to even more severe violations of human rights. That problem was particularly acute in the Transcaucasian region (Azerbaijan, Armenia and Georgia). When the Soviet Union had split up into 15 independent States, some well-meaning persons had advocated the promotion of self-determination for all ethnic groups or nationalities which had wanted it. Unfortunately, those persons, including Andreï Sakharov, had not foreseen the violent conflicts and the ethnic cleansing operations which were to follow. After some serious mistakes by the first Georgian president, Gamsakhurdia, who had pursued an ethno-nationalist policy, various ethnic groups in the country had thus become alienated and many conflicts had broken out, despite all the efforts made, after Gamsakhurdia's fall, to establish a peaceful dialogue. Subsequently, there had been violations by both sides. There was no doubt that, in that instance, the origin of the conflict was to be found in a misinterpretation of alleged right to self-determination on ethnic grounds.

21. The same situation had occurred in Azerbaijan. The demand for ethnic self-determination by the Armenian part of the population in the mountainous region of Karabakh had resulted in terrible ethnic conflicts, with massive violations of human rights on both sides. However, early in 1992, discussions had led to an agreement under which Upper Karabakh was given genuine autonomy within Azerbaijan. The Armenian majority would thus have been able to ensure the preservation of its own identity, without jeopardizing the territorial sovereignty of Azerbaijan. The Armenian authorities had felt that such a solution was acceptable, but the leaders of the extremist groups among the

population had opposed it, probably with encouragement from the outside. What had happened in the Transcaucasian region had sent a very clear message, that the use of the concept of self-determination should be resisted when it meant that a part of the population of a country would secede on ethnic or religious grounds.

22. In Sri Lanka, the Government had committed several glaring mistakes under pressure from the Sinhalese majority, such as making Sinhala the only official language. The security forces had also committed many violations of human rights over the past 10 years. All of that helped explain that what had formerly been a peaceful country was now beset by violence, for which the opposition was also responsible. What had started out as peaceful opposition had been transformed into an extremist militant movement which advocated ethnic self-determination and ethnic cleansing and was involved in massive violations of human rights.

23. The situation in Bosnia provided the most convincing evidence of the ravages of ethno-nationalism. The experts of the Sub-Commission had clearly expressed their views on that point in the statement read out by the Chairman on 4 August.

24. Turning to the question of the role of the experts and non-governmental organizations, he said that violence by opposition groups did not absolve the experts from dealing with violations of human rights committed by security forces in response to that violence. The investigation, under United Nations auspices, of the violations of human rights committed in El Salvador was very sobering in that regard. He therefore appreciated the efforts of the Andean Commission of Jurists to provide the Sub-Commission with the most relevant statistics possible on violations of human rights, whether by security forces or by opposition groups. It was not enough to denounce violations of human rights committed by security forces; an end had to be put to them. In that connection, the efforts being made by the Government of Sri Lanka were encouraging and it was willing to cooperate with the United Nations. He hoped that other countries such as Guatemala, Colombia and Peru would be equally willing.

25. In conclusion, he said that the experts should try to find ways to end the violence committed by non-governmental entities, whether they were militants advocating ethnic self-determination such as the Abkhaz, the South Ossetians or the Armenians in Karabakh, the Serbs and Croats in Bosnia, the Tamil Tigers in Sri Lanka or religious militants who did not admit that different religions and different approaches to religion could coexist peacefully. Non-governmental organizations, which often had close contacts with ethnic, religious or social groups that claimed to be subjected to violations by their Governments, should now try to pay more attention to the human rights attitudes of the members of those groups and of their leaders in particular. It was essential that incitement to racial, ethnic and religious hatred should be stopped and non-governmental organizations were well placed to help end it.

26. Mrs. FORERO UCROS said that the end of the East-West confrontation had not been followed, as had been hoped, by an improvement in the human rights situation in various countries and regions. Admittedly, the settlement of some regional conflicts which had been kept alive from abroad had been achieved through

negotiation, as in El Salvador, for example. In a wider context, a regional solution had been found in Central America through the efforts of the Contadora Group. Unfortunately, however, in other places, such as Angola, it had not been possible to restore peace. There had also been a resurgence of racism, xenophobia and discrimination, even in countries which thought that they had got rid of them. In Bosnia and Herzegovina, the international community had not succeeded in stopping the ethnic cleansing suffered by the civilian Muslim population. There was thus good reason to have serious doubts about whether humanitarian assistance could do anything to improve the human rights situation. Humanitarian assistance was also being called into question in Somalia, where the United Nations soldiers were being involved in clashes in which members of the civilian population were being killed. It was to be hoped that a transitional government could speedily be set up in that country. There were other equally disquieting events, such as the violence which was threatening the democratic process in South Africa, the bombing of south Lebanon and, in particular, the planned partition of Bosnia along ethnic and religious lines. The Sub-Commission had done well to emphasize that the purpose of such a partition was to bring the massacre to an end and that it could only be provisional.

27. Violations of human rights should be considered taking into account the context in which they occurred. It was, of course, the State which had primary responsibility for stopping those violations, but it alone was not responsible. Drug traffickers, terrorists and even some political forces did not hesitate, in order to achieve their ends or to seize power, to commit serious violations of human rights. Human rights could, moreover, not be considered in the abstract, as if they were exercised outside a given social and economic context. Thus, for example, democracy was possible only if poverty was eliminated, if wealth was equitably distributed and if the trade restrictions that endangered the stability of countries, especially the third world countries, were lifted. In conclusion, she said that the Sub-Commission should do its best to examine violations of human rights in the context in which they occurred.

28. Mr. Yimer took the Chair.

FREEDOM OF MOVEMENT (agenda item 18) (E/CN.4/Sub.2/1993/17)

29. Mr. HATANO said that Mr. Al-Khasawneh and himself had decided to introduce under agenda item 18 their preliminary study on the human rights dimensions of population transfer, including the implantation of settlers (E/CN.4/Sub.2/1993/17). He explained that Mr. Al-Khasawneh had drafted about 70 per cent of the report, which, in addition to the introduction, was composed of 10 chapters. In the introduction, the two Special Rapporteurs referred to the mandate given them by the Sub-Commission and paid tribute to the excellent documents on the subject by Mrs. Mbonu and Mrs. Palley.

30. In chapter I, they discussed the scale and causes of population transfers. In chapter II, they studied the links between population transfer and various issues such as the environment, housing, minority rights, the right to leave and return, human rights and states of emergency, the rights of migrant workers and

the rights of internally displaced persons. Chapter III described the different circumstances under which population transfer occurred. There could be a population transfer as a consequence of war, especially of foreign occupation, but it could also take place in peacetime, following the creation of a new State or because of man-made environmental degradation. Chapter IV categorized the various consequences of population transfer, especially psychological, economic, cultural and political, on persons and States. Chapter V gave some historical examples of bilateral agreements on population exchange. Chapter VI listed the rules applicable to population transfer established in various humanitarian law or human rights instruments, such as the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, the International Convention on the Elimination of All Forms of Racial Discrimination and the African Charter on Human and Peoples' Rights. Chapter VII examined the rights and obligations of States in respect of the protection of the rights of persons affected in the case of population transfer. In chapter VIII, the authors studied a number of international draft instruments, including the Draft Code of Crimes against the Peace and Security of Mankind and the Draft Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities, which contained some provisions applicable to persons affected by population transfer. The same chapter also included the standards established and followed by the World Bank and some emerging legal opinions on the question. In chapter IX, entitled "Preliminary Conclusions", the Special Rapporteurs examined some general problems of international law, gaps in legal protection, legal trends on the subject and potential remedies. Lastly, in chapter X, they recommended that the Sub-Commission should study possible future legal developments in respect of population transfer and make recommendations on the subject. For their part, they planned to send Governments, relevant United Nations agencies and NGOs a questionnaire on population transfer and to visit various places where such transfers had occurred.

31. He wondered whether it was not completely unrealistic to claim that, in order for any population transfer to be admissible under law, it had to be voluntary on the part of participants and host populations (para. 375 of the report). Was it, in fact, reasonable to demand that Governments should wait until they had received the free and informed consent of the host populations concerned before going ahead with population transfers, knowing full well that they would probably not be in a position to fulfil such an obligation. In any event, a precise definition should be given of such key words as "informed", "consent" and "host population" and human rights should be adequately qualified in one way or another.

32. Population transfer could also involve several States, as in the case of migrant workers. An article entitled "Western Europe Starts Shutting Out the Immigrants" had recently appeared in the International Herald Tribune. Before adopting any standard under which host populations would give their "free and informed consent" to the arrival of immigrants, thought should be given to the consequences that that might entail. Attaching too much importance to that standard might hinder freedom of movement at the international level. If the principle of "consent" was not given enough importance, however, States might

think that their sovereignty was being undermined. He concluded by confessing that he did not have an immediate answer to that difficult question and said that he would welcome suggestions from his colleagues and the participants in the Sub-Commission.

33. Mr. AL-KHASAWNEH, speaking in his capacity as Special Rapporteur, thanked Mr. Hatano for his clear statement. He also wished to point out that Mrs. Meindersma and Mr. Schechla had greatly assisted him in preparing his part of the report.

34. Mr. DE MATTEIS (International Lesbian and Gay Association) said that homosexual couples were at a disadvantage compared with heterosexual couples, especially with regard to the right of residence. In some cases, moreover, the freedom of movement of homosexual men and women has been restricted on the basis of the criminal law prohibition on homosexual practices or because of the assimilation of or confusion between homosexuality and AIDS. Fortunately, more and more States were recognizing homosexual couples officially, particularly in respect of the benefits provided by social security or employers. That was the case in certain States of Canada and in some companies in the United States and Australia. A number of States - Australia, New Zealand, the Netherlands, Denmark, Sweden and Norway - officially recognized relations between persons of the same sex in order to grant those couples assistance under the immigration laws. The Canadian Government had relaxed its policy on the issue by allowing a certain number of persons to join their spouses of the same sex in Canada for "humanitarian or family reasons". In Denmark and Norway, legislation had just been promulgated giving homosexual couples rights which were almost identical to those granted to married heterosexual couples. Similar laws were currently under consideration in Sweden, Finland and Iceland. In some towns in the United States and the Netherlands, homosexual couples could be recorded in the civil registry.

35. The most serious problems arose in connection with immigration and refugee laws. Those laws severely penalized anyone who wished to establish or maintain a permanent link with a person of the same sex who was living in another country or who was a refugee in another country. In Europe, for example, freedom of movement was hampered because most States did not recognize the legitimacy of a partnership between persons of the same sex. That question was discussed in detail in a study entitled "Homosexuality: an European Community Issue" and sponsored by the European Human Rights Foundation. In closing, he asked the Sub-Commission to appoint a special rapporteur to study the question of human rights in respect of homosexuality and bisexuality.

36. Mr. WAREHAM (International Association against Torture (IAAT-AICT)) denounced the resurgence of racism and xenophobia in several countries of Western Europe. In particular, he criticized the way in which the German Government, giving in to pressure from the right, had reacted to the violent racist incidents which had occurred in Germany. There seemed to be a lack of will, not of resources. The double standard was exposed once again, as proved by the new laws which severely restricted the right to asylum in Germany. Nearly all Western European countries were enacting legislation to shut the gates to

immigrants and asylum seekers. His organization condemned those policies, which only furthered the racism they were ostensibly combating, for reducing the number of potential victims was not the way to eradicate racism. The logical outcome of such a policy could be only the introduction of a "final solution".

37 In South Korea, despite the supposed shift to democracy in the past year, the National Security Law, a relic of the cold war that had served as a pretext to crush dissent, was still in force. According to the report of a South Korean human rights group, 319 prisoners of conscience were still imprisoned in South Korea today. More than three quarters of those prisoners had been convicted of violating the National Security Law. Twenty nine of them had been in prison for periods ranging from 20 to 40 years. The South Korean Government, giving in to intense national and international pressure, had repatriated Li In Mo to the north. It must continue in that direction, repeal the National Security Law and grant unconditional amnesty to those who were still being held under it.

38. In Guatemala, despite the hope to which the recent changes had given rise, particularly the creation of a more representative Government, serious problems still remained, such as the fact that the army was still the main force in the country. Fifty persons had allegedly been assassinated during the first month following the establishment of the new Government and violations of human rights were said to have increased significantly. Those were clearly political acts. The Civilian Self-Defence Patrols, the unofficial arm of the armed forces, continued their reign of terror over the civilian population. Only the week before, the patrols had attacked peaceful demonstrators, killing three and wounding an undetermined number. His organization demanded the dissolution of the Civilian Patrols, the resumption of peace negotiations and the upholding of human rights in Guatemala.

39. The situation of the peoples of the occupied territories of Western Sahara had not improved. Neither international condemnation nor the presence of United Nations contingents had prevented the Moroccan security forces from daily violating the human rights of the Saharan people. His organization supported their demand that the Moroccan forces should cease violating their human rights and honour their commitment to hold a referendum in the occupied territory.

40. His organization considered that, in South Africa, the De Klerk Government was doing everything to ensure that power remained in white hands. The Government sponsored black-on-black violence, the assassination of popular leaders and power-sharing propositions were all designed to ensure that the right of the South African majority to self-determination was thwarted.

41. He admitted that the statements made by his organization dealt more often than not with the black population of the United States because the lot of the blacks in the United States was objectively the most obvious example of systematic and persistent violations of human rights and fundamental freedoms. Slavery had uprooted the blacks from their land, their culture, their language and their history. Racism had kept the descendants of those slaves at the bottom

of a society which was the most developed economically. In his view, the United States had succeeded very well in passing itself off as a democratic paradise where human rights were allegedly respected scrupulously, so much so that no one dared to challenge that naive, yet particularly deceptive image. He proposed to come back to that issue under agenda item 19. Every aspect of item 6 - racial discrimination, segregation, apartheid, colonialism - was a reflection of everyday life in the United States. He dwelt at some length on the concept of colonialism, referring to the colonial status of Puerto Rico. Colonialism was also being experienced by the black population, which lived in a state of underdevelopment and was a de facto internal colony inside the United States. That colonization was reflected not only in the economic sphere - an issue which would be discussed under agenda items 7 and 8 - but also in the political sphere, where it took the form of a denial of the right to self-determination. The blacks had never been allowed to determine whether they wished to acquire United States citizenship or whether they wished to emigrate or establish a separate State in North America. That colonial status could be seen in various phenomena: in the attitude of the predominantly white police force vis-à-vis the black community; in the violence which the members of the black community inflicted on one another rather than confront the whites; in the disproportionate numbers of blacks in the prison population; and in the over-representation of blacks in the armed forces and in their presence, almost as mercenaries, in the forces to defend the glory of the empire in Grenada, Panama, Iraq and Somalia.

42. To illustrate his point, he referred to the Rodney King case, which had turned the city of Los Angeles into an armed camp where no dissident voice could make itself heard. Once again, he said that racism was evil and pernicious and should not be allowed to triumph with impunity and he appealed to the Sub-Commission, which, in his view, was the only United Nations body to have shown the necessary courage to stand up to pressure from the United States.

43. Mrs. PARKER (International Educational Development) drew the Sub-Commission's attention to a number of situations where human rights violations and armed conflicts were connected. In Burma, the situation was characterized by three essential points: the current regime, called SLORC, was illegitimate; it was brutal; and there were widespread armed conflicts involving ethnic nationalities which were fighting against that regime as they had fought against the preceding ones. SLORC forces were attacking the civilian population, imposing slave labour and resorting to rape and population transfers. Prisoners of war were tortured and murdered. The regime refused to hand over power to a democratically elected Government and the armed conflicts were in fact a war of national liberation; the international community had a duty to support them and to redouble its efforts to oust the illegitimate regime. As a minimum, it should cease any action which might imply giving SLORC the slightest legitimacy and stop providing it with arms and other matériel. SLORC was in fact engaged in a major campaign against different ethnic nationalities: Karen, Mon and Shan. The Sub-Commission should send a decisive message to SLORC that it should relinquish power and halt all military actions against the ethnic peoples of Burma; request all United Nations bodies to invite the National Coalition Government of the Union of Burma, the Democratic Alliance of Burma and representatives of the

Karenni State to participate in all discussions on Burma; and request the Commission's rapporteur to examine the many violations of humanitarian law in that country.

44. In the island of Sumatra, the Achinese people had maintained their independence and sovereignty for centuries and had always defied, sometimes by force, any attempts by Indonesia to dominate them. Since 1953, with the support of the Acheh Sumatra National Liberation Front, they had resisted Javanese and Indonesian domination. In 1976, the National Liberation Front had become an armed movement and that development had coincided with the declaration of independence of Acheh. Her organization considered that that armed conflict was a war of national liberation by a people exercising their right to self-determination. In that conflict, the Indonesian Government had killed more than 50,000 unarmed civilians and had systematically violated human rights in the area. It had also refused independent human rights monitors, including the Commission's Rapporteur on questions relating to torture, access to the territory. The situation in Acheh was a prime example of the failure of the international community to act and she hoped that the Sub-Commission would place Acheh under its scrutiny.

45. She recalled her organization's earlier statements on the situation in Kashmir and urged the Commission to consider that question in the context of the promises of a plebiscite made to the Kashmiri people.

46. Her organization had long been concerned about the situation in El Salvador and was pleased to see that it had improved, but warned against entertaining false hopes. There were still many unresolved issues and the Commission should adopt a resolution on El Salvador in which it recognized, on the one hand, the substantial decline in violations of human rights and humanitarian law and, on the other hand, urged the Government of El Salvador to comply fully with the agreements reached in the peace process and to carry out the recommendations of the Truth Commission, especially because of the implications of impunity in recent amnesty laws.

47. She recalled the situation of the Tamils in Sri Lanka and appealed to the Sub-Commission to contribute to a peaceful solution of the situation in that country, from which reliable reports had been received of serious violations of the rights of the Tamil people. She urged the Sub-Commission to adopt a resolution on the situation in Sri Lanka in which it took account of the armed conflict, the numerous violations documented in the work of the Commission's rapporteurs and working groups and in which it asked the Secretary-General to exercise his good offices in pursuit of a lasting peace.

48. The situation in Guatemala offered hope because the civilian sector of Guatemalan society had rejected the "coup" of the former President and had elected the former Procurator of Human Rights as President. Still, the situation gave rise to concern because people still lived in fear and political assassinations and disappearances were continuing. Furthermore, the situation of the indigenous peoples remained unchanged. The Sub-Commission could play a

decisive role by calling on the Guatemalan Government and the URNG to continue negotiations to reach an agreement on human rights.

49. Lastly, she drew attention to the intense civil war in Iran to which the United Nations was paying virtually no attention - a serious omission. She also noted that the armed conflict in the former Yugoslavia was not limited to Bosnia and Herzegovina, but was also raging in Croatia.

50. Mrs. GONZALEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM)) said that she deeply regretted the serious situation in Peru. Despite the Peruvian Government's promise to restore institutional order in response to the appeal made by the Organization of American States and Sub-Commission resolution 1992/12, Peru continued to be the scene of serious violations of human rights. To illustrate her point, she cited the abduction, by the security forces, on 18 July 1992, of nine students and one professor of La Cancuta University, responsibility for which had been attributed in April 1993 to the National Intelligence Service by a group of dissident officers, while at the same time, Major General Rodolfo Robles, a senior officer who had taken refuge in Argentina, had admitted that members of the death squad established by former Captain Vladimiro Montesinos had been responsible. In July, four graves had been discovered with the corpses of the persons who had disappeared. The inquest had been botched and experts in legal anthropology had not been allowed to participate. Besides, no guarantee had been given of the inviolability of the evidence found in those graves. FEDEFAM was therefore requesting the Sub-Commission to adopt a resolution asking for a clarification of that situation.

51. She welcomed the report on the situation of human rights in Haiti submitted to the Commission on Human Rights by the Special Rapporteur, Mr. Bruni Celli, and hoped that the return of President Aristide to Haiti would make it possible to end the dictatorship and systematic violations of human rights in that country.

52. The political process in Guatemala was of immediate concern to FEDEFAM. While welcoming the accession to the Presidency of the former procurator for human rights, it deplored the fact that the army was still the main power in the country. It was therefore essential that the international community should continue to follow up the situation in Guatemala and, especially, the negotiation process to stop the internal armed conflict. In particular, the so-called civilian patrols should be dismantled and the persons responsible for violations of human rights should be tried and punished.

53. The Turkish Government's obstinate refusal to settle the Kurdish question by democratic and peaceful political means was regrettable and evidenced by the breakdown of the cease-fire that had been decreed in March. During that period, over 15,000 persons had been forced into exile by the security forces and 50 villages had been completely destroyed. While the cease-fire had been in force - in other words during an 84-day period - 6 members of the security forces, 112 guerrilla fighters and 32 civilians had been killed. Since then, another 362 members of the security forces, 138 guerrilla fighters, 61 civilians and

52 village guards had been killed. The attacks on the Kurds were growing worse: in some parts of the country, hundreds of racist tracts were distributed every day. Given the tragic situation which prevailed in south-east Anatolia, FEDEFAM was calling on the Sub-Commission to take action and send a special rapporteur to make investigations into that situation and to report to the forty-sixth session of the Sub-Commission.

54. She then drew the Sub-Commission's attention to the situation in East Timor, where fundamental human rights were systematically flouted by Indonesia: murders, disappearances, torture, detention without trial and the marginalization of young people were the daily fate of the East Timorese people. The right to be afraid appeared to be the only one they had left. The Sub-Commission should demand that the Indonesian Government relinquish a territory which, ethnically, historically, politically, legally and culturally, did not belong to it. Since 1975, East Timor had been claiming its right to self-determination.

55. In another connection, she wondered how a country like Morocco, which was a member of the United Nations and of the majority of international and regional bodies and which had signed major international human rights conventions and agreements, could violate those rights with impunity, both of its own nationals and of the Saharan people. Morocco should account for its actions to the international community and comply with its resolutions. The Saharan people, whose territory had been occupied for 10 years, deserved to have their rights restored. There again, she recalled the inalienable nature of the right to self-determination.

56. Lastly, she referred to the situation of human rights in Colombia, which, far from improving, was growing steadily worse. In Commission on Human Rights document E/CN.4/1993/25, it was pointed out that a Working Group had transmitted specific information to the Government of Colombia on 45 disappearances. Disappearances and political assassinations continued to occur in that country: those claims were, moreover, confirmed by official sources, including the Procurator-General of the Nation. The Working Group had also informed the Government of Colombia that, as a result of the direct involvement in the crimes reported of paramilitary groups to which some members of the armed and security forces also belonged, the conclusion to be drawn was that the State was responsible. During the current year, the assassinations of trade unionists and opposition leaders had not ceased: Oliverio Molina and Alirio Guevara, President and Secretary-General of Sintrainagro, and Luis Carlos Pérez, of CUT, had been the victims of such assassinations. The Government of Colombia should therefore be called on to respect the Constitution of the State.

57. Mrs. CALANDRA (France-Libertés, Fondation Danielle Mitterrand), speaking also on behalf of the International Federation of Human Rights, reported on the mission carried out by those two organizations to investigate the violations of human rights committed by the Iraqi and Iranian Governments in the Kurdish areas of Iraq. Many witnesses had reported serious violations of human rights in those territories: since the end of June, the town of Kirkuk had been subjected to a revolving curfew, district by district. The army and the special forces, the

republican guard and the Iraqi security forces invested the district where the curfew had been decreed; houses were searched, families interrogated, people beaten and terrorized and, very often, young adults arrested. Early in July, several thousands of people had been arrested in that way and imprisoned in two camps near Kirkuk: the Daraman camp and the Hawija camp. The deportations and arrests were continuing, as well as the evacuation of Kirkuk, a historic citadel which was threatened with destruction in order to serve a policy to wipe out the identity of the Kurdish people. The families who had members belonging to the Peshmerga (Kurdish resistance) were alleged to be special targets. Eleven persons from the Iskan and Azadi districts and three persons from the Rahim-Awa district had been summarily executed. In the territories under the Kurdish regional Government's control, the Iraqi Government was infiltrating agents and military troops. During the mission in which she had taken part, several attacks had been made. Overall, since February, 28 attacks had been counted in the province of Arbil alone. One particularly serious instance had been the attack on villagers and crops on Friday, 12 March, in the village of Awena, where, under the pretext of a conflict between a peasant and four unidentified armed persons, 400 armed men had entered the village after crossing the line of defence of the territories under Iraqi control, killing 15 persons, wounding 10 others, setting fire to crops and taking away 6 combine harvesters. Such attacks occurred on an almost daily basis. In addition, there was bombing by the Iraqi forces which caused population displacements. All of that, as well as the murders of representatives of non-governmental organizations based in the territories controlled by Iraq which had a Kurdish population, was supposedly a part of a policy determined by the Iraqi authorities to discourage any external aid to the Kurdish population. That was shown by a confidential document (ref. MTCH) of 6 July 1992 from the Office of the Northern Organization, a specialized section of the Ba'ath party, which offered 50,000 dinars to any Iraqi agent who killed a highly placed official of the Kurdistan Front and also referred to courses to train those agents in murder and sabotage. The representative of the organization Handicap International and two members of the team of the organization Equilibre had also been murdered. The buildings of France-Libertés and of the Mines Advisory Group had been attacked and Francis Youssef Shabo, a deputy of the National Assembly of Iraqi Kurdistan, and Lazur Mikho Hana, a member of the Communist party, had been assassinated. Half a million people had been killed. Four thousand Kurdish villages had been destroyed since 1976 and 26 towns wiped off the map (ANFAL operations, during which 182,000 persons had disappeared and chemical weapons had been used).

58. With regard to the violations of human rights attributable to the Iranian Government, the mission had gathered evidence that, since the middle of March, over 30 villages situated in the Kurdish territories of Iraq had been bombed. More than 80 attacks had been launched by the Iranian army, including several air raids. The Iranian Government allegedly infiltrated agents and commandos with instructions to carry out attacks especially on the programmes of foreign non-governmental organizations, but also on villages and crops. For example, the Canaweh school had been destroyed and Azadi hospital bombed.

59. Her organization and the International Federation of Human Rights were therefore calling on the Sub-Commission to condemn the Iraqi Government most vigorously for the systematic violations of human rights which it had committed; to request the Security Council and the Iraqi Government to lift the dual embargo on Iraqi Kurdistan; and to recommend that a mission should be sent to Iraqi Kurdistan and into the Kurdish areas under the control of the Iraqi Government to investigate the violations committed by both Governments. They also called on the Sub-Commission to condemn the Iranian Government vigorously for the systematic violations of which the Iranian Kurds who had taken refuge in Iraqi Kurdistan and the Iraqi Kurdish people had been the victims in recent months.

60. She also deplored the practices of the Chinese Government, which continued to violate the fundamental rights and freedoms of the Tibetan people on a massive scale. She reported on a fact-finding mission of the States members of the European Community to Lhasa and on the serious incidents which had allegedly occurred there in May 1993, as well as in other parts of Tibet. Those incidents had been followed by waves of arrest and the torture of prisoners of opinion. To her, they revealed the determination of the Chinese Government to repress any peaceful political demonstration likely, in its view, to undermine the stability and unity of Tibet. That was the explanation given by the Chinese authorities in the white paper entitled: "Tibet, Belonging", published by the Chinese Government last September. She reiterated the appeals made by her organization at the forty-ninth session of the Commission on Human Rights, namely, respect for the right of the Tibetan people to self-determination; the immediate and unconditional withdrawal of Chinese troops from Tibet; the release of all political prisoners and the immediate cessation of the policy of arbitrary punishment; the cessation of the policy of population transfer and birth control; respect for Tibetan culture with regard to the use of the language of the country, freedom of religious expression and the preservation of the Tibetan heritage.

61. Mrs. CHAVEZ said that it was the Sub-Commission's responsibility to draw the Commission's attention to any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms. She was therefore drawing its attention to the situation in Iran, where the right to freedom of religion was being violated and the Baha'is in particular were being persecuted, women were being harassed and oppressed and dissidents assassinated, both in the country and abroad, by order of the Iranian Government. Nor should one forget the violations of human rights in Tibet and the lack of progress in the recognition of civil and political rights throughout China, as well as the persecution of Kurds and Shiites in Iraq. While too much emphasis could not be placed on the atrocities committed in Bosnia and Herzegovina, she was also concerned about the situation in Kosovo and especially about the violation of the rights of the Albanian people of that region, as well as the systematic rape and sexual abuse of women in all of the former Yugoslavia. There were also violations of human rights in other countries, to which little attention had been paid, either because they had been subjected to the Sub-Commission's scrutiny and criticism in the past or because NGOs had preferred to give priority to other situations during the current year. That was the case,

for example, of Sudan. The civil war had been raging there for nearly 30 years and more than 100,000 young boys, called the "lost boys", were hunted down by the Government and were now roaming the country in search of refuge, exposed to wild animals, soldiers, bombs and disease, as so eloquently described by the journalist Roger Rosenblatt in an article he had written in Vanity Fair magazine after a visit to the region.

62. The same was true of Myanmar, on which the Sub-Commission had already adopted resolutions deploring the violations of human rights committed under the regime of General Ne Win, whose policies had isolated and impoverished the nation, and, more recently, since the military junta had seized power in 1988. She was especially concerned about the 1991 Nobel Peace Prize winner, Mrs. Aung San Suu Kyi, who had been under house arrest since 1989 under the law to safeguard the State from the dangers of subversive elements, which authorized arbitrary detention for periods of up to five years.

63. Mrs. COTTIER (Indigenous World Association) commended the work done by the Working Group on Indigenous Populations since its establishment in 1982 and by the various experts of the Sub-Commission who had carried out studies on the question of the individual and collective rights of indigenous peoples. Those rights continued to be violated by certain Governments which were pursuing a policy of forced assimilation, such as the Governments of the United States and Canada. In the United States, for example, the Navajo Indians had lost all their property as a result of their forced relocation in an alien environment, and that had led to an increase in the death rate in those communities. Indians were also victims of racist legal systems, and that explained why they were incarcerated in disproportionate numbers. The United States and Canada were waving the flag of democracy, while they continued to play their role as colonizers and to pursue a racist policy towards the indigenous peoples in order to marginalize them.

64. Her Association therefore called on the Sub-Commission to do everything possible to ensure the survival of the indigenous peoples and their exercise of the fundamental rights embodied in the Universal Declaration of Human Rights. To that end, she proposed that the Working Group on Indigenous Populations should become a permanent United Nations body, that, in its title, the word "populations" should be replaced by the word "peoples" and that its work should be financed from the United Nations regular budget to enable it to discharge the mandates provided for in the draft declaration on the rights of indigenous people. A commission with a permanent secretariat should also be set up to monitor the implementation and protection of indigenous rights by member States and should hold annual meetings in which indigenous peoples would take part. A mechanism for the settlement of disputes between indigenous peoples and nations and the Member States of the United Nations should be established immediately. In addition, a technical study should be carried out of the draft declaration on the rights of indigenous people, with the participation of indigenous representatives, before it was transmitted to the parent bodies and an international decade on the rights of indigenous peoples should be proclaimed, in accordance with the recommendation to that effect by the World Conference on Human Rights in Vienna.

65. Mr. RETUREAU (World Federation of Trade Unions) said that his Federation was concerned over the constant deterioration of the situation of the populations in the Arab territories occupied by Israel. The violence with which the occupying forces had put down the legitimate uprising of the Palestinians to exercise their right to self-determination marked the transition from a policy of repression to one of terror. The occupying forces had also resorted to retaliatory economic measures which reduced tens of thousands of Arab workers to unemployment and their families to destitution. Thus, in Gaza, out of 80,000 workers who went to Israel every day, only 10,000 now held permits. Those measures also had disastrous effects on the general state of health of the population and on the psychological balance and behaviour of individuals, as well as on family relations. The new Israeli Government continued to pursue its policy in violation of international humanitarian law and the fundamental rights of the Palestinians and the other Arabs in the occupied territories. It seemed to be trying, by every possible means, to hamper the smooth progress of the talks under way. The military operations carried out in South Lebanon were extremely violent and out of proportion to the attacks by the Hezbollah militia, to which they were supposedly replying, and were intended only to strengthen the Israeli positions in the region by extending them further north and to block the negotiation process. Unfortunately, the international community was still doing nothing to end that situation and to compel Israel to respect the Security Council resolutions. No one said anything about humanitarian interference when the Palestinians or Lebanese needed to be protected, thus suggesting that there was a double standard.

66. In South Africa, the elimination of apartheid had begun, but had not yet been completed. Political and ethnic violence and plots by extreme right-wing groups and police and para-police elements were jeopardizing the process of constitutional negotiations and preparations for free and democratic elections which would really do away with apartheid in political and legal terms. It was obvious that difficulties would continue to exist even after 1994 because apartheid had deeply scarred South African society and institutionalized racial discrimination would leave a lasting legacy of economic and social inequalities. Non-racial trade unions in South Africa would have a key role to play in combating social, economic and cultural discrimination.

67. Many other massive violations of human rights were being committed in all parts of the world and his Federation had already drawn the Sub-Commission's attention, at earlier sessions, to the situation in East Timor occupied by Indonesia, which was violating the right of the Timorese to self-determination; to the murders and enforced disappearances in Colombia and Guatemala; to the situation of the Kurds, whose national and cultural rights were still being disregarded; to the violations of human rights in the Sudan and in Iran; and to the case of Western Sahara, where the Saharans had not yet been able to decide their own destiny because Morocco did not honour its commitments. Other very serious problems had arisen in the last few years in some countries as a result of the partition of the former USSR and the former Yugoslavia, on account of the development of destructive forms of nationalism which had the effect of denying the rights of minorities, which people were trying to destroy through

"ethnic cleansing" and extremely violent civil and ethnic wars. It was unfortunate that the United Nations and the European countries had underestimated the risks inherent in the process of the decomposition and recomposition of States. The most tragic case was that of Bosnia and Herzegovina, where United Nations troops had intervened under a rather vague mandate and on the basis of humanitarian criteria which had their limitations because the dismemberment of the country was almost complete, at the cost of hundreds of thousands of victims and unspeakable suffering. His Federation condemned the crimes of the militias and of the States which were accomplices to those crimes and wished that the jurisdiction of the international tribunal had not been restricted to the crimes against humanity committed in the former Yugoslavia so that an end could be put to the impunity too often enjoyed by the perpetrators of those international crimes.

68. Inter-ethnic strife and religious fundamentalism also afflicted countries on other continents, including India, Sri Lanka, Algeria, Rwanda, Somalia and many others. The repression of nationalist movements also led to massive violations, as in Turkey and Iraq. Efforts to find just and peaceful solutions to those problems were obviously part of the mandate of the experts of the Sub-Commission because it was clear that human rights were a key component of the United Nations peace-keeping function. More thorough discussion and dialogue with NGOs and States on that subject were essential to ensure that United Nations military interventions which were increasing all the time, were based on a set of universal principles and objectives and not, as was too often the case, dictated by considerations such as the interests of the economically dominant States, or the improvement of the media image or popularity rating of some of the leaders of those countries. Otherwise, the United Nations ran the risk of losing all credibility and of no longer being able to play its role as a mediator, which was more indispensable than ever in the present international situation. The United Nations budget allocated to the defence and promotion of human rights was clearly inadequate, especially in view of the enormous cost of military operations which had perhaps not been thought out carefully enough, even if they had sometimes yielded good results, as in Namibia and Cambodia.

69. Mrs. GRAF (International League for the Rights and Liberation of Peoples) drew the Sub-Commission's attention to the alarming situation in Sri Lanka, where both the army and Liberation Tigers of Tamil Eelam (LTTE) activists were responsible for atrocious crimes. Young Tamils in particular continued to be arbitrarily arrested and detained and subjected to inhuman treatment in the prisons. Time and time again, international human rights organizations had expressed their concern about the matter and criticized the attitude of the Government. There was no doubt that the armed forces were committing massive violations of human rights, but the members of the LTTE, for their part, were harassing all those who would not cooperate with them, especially in the north of the country, which was largely under their control and where more than 2,000 persons were reportedly being held in camps and subjected to all kinds of ill-treatment. Her organization was appealing to the Sub-Commission to adopt a resolution requesting the Government of Sri Lanka to explore ways to stop the civil war, first of all, by declaring a cease-fire and submitting information on

the human rights situation in the country to the Secretary-General. The Sub-Commission should also make a recommendation to the Commission on Human Rights to examine the situation in Sri Lanka in the light of all the information available.

70. The Saharan people, whose territory had been invaded, had been subjected to emergency regulations by the Moroccan occupying forces for 17 years. Morocco's intransigent attitude was what had prevented the execution of the peace plan set out in Security Council resolution 690 (1991), even though United Nations contingents had been deployed in the territory and a cease-fire officially decreed. Morocco was not honouring its commitments and was continuing the massive transfer to Western Sahara of more than 120,000 of its subjects in violation of the provisions of paragraphs 72 and 73 of the peace plan, as well as article 49 of the Geneva Conventions. Furthermore, hundreds of Saharan civilians who had never been charged were in clandestine Moroccan prisons and many former detainees continued to be harassed by the Moroccan authorities and subjected to very tight police control to prevent them from speaking about the violence to which they had been subjected during their lengthy detention. Thus, 20 days earlier, some 50 young Saharans had been arrested by the Moroccan security services for an unknown reason and no one knew what had become of them. Her organization was duty bound to raise the problem year after year in order to move those who could change and improve the lot of peoples. It was time for the international community to heed the cries of alarm of the Saharan people and to put an end to the suffering it had been enduring for the past 20 years.

71. With regard to El Salvador, everyone was aware of the extremely important role which the United Nations had played in the process which had led to the signature of the 1992 peace agreements and in the implementation of those agreements with the assistance of several non-governmental organizations. As far as human rights were concerned, the situation there had undoubtedly improved, but it was clear from the reports of the United Nations Observer Mission in El Salvador (ONUSAL) and the United Nations Secretary-General that violations of the right to life, physical integrity and liberty had not ceased. The United Nations had to continue to provide financial and technical support for that country in order to ensure the full deployment of the national civilian police, created to replace the forces of repression which had existed and to help the new National Procurator for Human Rights in his work. Her organization regretted the hasty adoption of an amnesty law by the National Salvadorian Assembly because it was important to punish all the persons guilty of the crimes which had been committed. She nevertheless welcomed the fact that the Farabundo Martí National Liberation Front (FMLN) had laid down arms and that, according to the information provided by ONUSAL, 90 per cent of the matériel declared had already been destroyed. She therefore welcomed the work the international community had done in El Salvador through international and non-governmental organizations, but she pointed out that that work had been effective only because of the strong desire for peace of the Salvadorian people itself.

72. Mr. BOELE (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that the situation of

minorities, occupied nations, indigenous peoples and other unrepresented nations and peoples had deteriorated in the majority of cases. He drew the attention of the Sub-Commission in particular to the violations suffered by the Ogoni people, an ethnic minority in Nigeria with a population of about 500,000. Since the discovery of oil in the region where they lived, they had been struggling to regain control of the lands of which they had been dispossessed and against discriminatory measures, but the Government put down any protest by brutal force. Only very recently, Nigerian soldiers had attacked the Ogoni villages of Ka, Tenama and Kpean, killing at least 35 people and forcing thousands more to flee. The Ogoni people were appealing to the United Nations, through the Sub-Commission, to prevail upon the Nigerian Government to stop those massacres, release all political prisoners, drop all charges against them and begin talks with the Ogoni leaders to restore peace in their land and clean up the environmental damage caused by the exploitation of oil deposits.

73. In Bangladesh, the occupation of the Chittagong Hill Tracts by the army had led to repeated violations of the fundamental rights of the Jummas, who lived in that region. The Government had transferred 450,000 non-indigenous people from the plains to the lands taken illegally from the Jummas. That population transfer was an infringement of Regulation 1 of 1990, which was still in force and restricted the right of non-Jummas to settle in the region. In order to settle that conflict, the Chittagong Hill Tracts should be demilitarized and the negotiations between the Government of Bangladesh and the Jummas' political leaders should be continued. The United Nations should urge the Government of Bangladesh to recognize the land rights of the Jummas in order to secure peace and stability in the region.

74. The situation in Tibet was also the subject of many reports submitted by the United Nations Special Rapporteurs. It was true that Tibet was an occupied country and that the question should not therefore be considered under the heading of minority rights, but the Chinese Government itself recognized that the Tibetans were a distinct "nationality", but did not respect their right to a culture, a religion and a national identity of their own. Since the adoption of Sub-Commission resolution 1991/10 and the publication of the United Nations Secretary-General's report on the situation in Tibet (E/CN.4/1992/37), the human rights of the Tibetans had deteriorated rather than improved and martial law had even been decreed in Kimshi, a village in southern Tibet, following popular demonstrations there. His Federation was appealing to the Sub-Commission to respond to the appeal for help made to the United Nations by the inhabitants of that village and take the decision to appoint a Special Rapporteur on the situation in Tibet.

75. Since 1989, Indonesian troops had been engaged in special operations to crush resistance to Indonesian rule over Acheh in northern Sumatra. Until now, the tragedy of Acheh had been hidden from international scrutiny because the Indonesian authorities had refused independent observers entry to investigate reports of human rights violations. His organization was asking the Sub-Commission to press the Government of Indonesia to allow independent

observers to visit Acheh and to instruct a special rapporteur to investigate the human rights situation in that region.

76. He also drew the Sub-Commission's attention to the violation of the right to freedom of religion of the Greek minority in Albania, which had suffered greatly under the totalitarian communist regime and whose situation had not improved since then. Lastly, he pointed out that the people of Abkhazia were not, as Georgia claimed, separatists calling for independence. They simply wished to exercise the right to self-government, as well as the cultural rights that had been recognized as theirs in the past; however, the gross violations committed by the Georgian forces since they had entered Abkhazia one year before had caused the inhabitants of that region considerable suffering and would make reconciliation of the various communities and a return to peace difficult. It was to be hoped that the cease-fire recently agreed upon by the two parties to the conflict would be observed and that the peace negotiations could begin. That situation demonstrated the importance of the Sub-Commission's preventive role. It had taken one year of bloody fighting, suffering and destruction for the international community to bring pressure to bear on the parties to negotiate a settlement. How much violence and oppression would minorities have to endure before the international community, and the United Nations in particular, listened to their legitimate demands? The time had come for their voices to be heard and for their needs to be taken seriously.